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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,802	11/12/2003	Kenji Ikeda	CU-3449 RJS	6943

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EXAMINER

WALSH, JOHN B

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,802

Applicant(s)

IKEDO, KENJI

Examiner

John B. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/4/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10, 11, 13-20, 22, 23, 25-27, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,754,754 to Dudley et al.

As concerns claims 1 and 10, a communication control method of controlling packet communication between a transmitting communication apparatus and a receiving communication apparatus, said method comprising the steps of: transmitting to the receiving communication apparatus from the transmitting communication apparatus a plurality of packets (column 2, lines 62-63) in a consecutive manner; and when packets of the plurality of packets transmitted from the transmitting communication apparatus to the receiving communication apparatus are consecutively lost (column 3, lines 8-9), reporting to the transmitting communication apparatus from the receiving communication apparatus the number of the consecutively lost packets (column 2, line 55).

As concerns claims 2 and 10, further comprising the step of: retransmitting to the receiving communication apparatus from the transmitting communication apparatus the lost packets in a consecutive manner (column 4, lines 5-20).

As concerns claims 3 and 15, further comprising the step of: determining that the receiving communication apparatus has not received the consecutively lost packets based on the report (column 4, lines 5-20) of the number of the consecutively lost packets.

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As concerns claim 4, further comprising the step of: retransmitting to the receiving communication apparatus from the transmitting communication apparatus the consecutively lost packets in a consecutive manner based on the report of the number of the consecutively lost packets (column 4, lines 5-20).

As concerns claims 5, 17 and 26, wherein the step of reporting further reports order information (column 4, line 2) of a first packet of the consecutively lost packets.

As concerns claims 6 and 18, further comprising: determining that the receiving communication apparatus has not received the consecutively lost packets based on the order information (column 4, line 2) and the number of the consecutively lost packets (column 4, lines 5-20).

As concerns claim 7, further comprising the step of: retransmitting to the receiving communication apparatus from the transmitting communication apparatus the consecutively lost packets in a consecutive manner based on the order information (column 4, line 2) and the number of the consecutively lost packets (column 4, lines 5-20).

As concerns claims 8, 11, 20, 23 and 30, further comprising: reporting to the transmitting communication apparatus from the receiving communication apparatus a free area in a receiving buffer (38; column 3, lines 55-60), and wherein the step of transmitting a plurality of packets transmits in a consecutive manner a plurality of packets that can be stored in the receiving buffer (column 3, lines 62-65).

As concerns claims 13, 22 and 29, a communication system, comprising: a receiving communication apparatus including a packet lost reporting part (27, 36, 38); and a transmitting communication apparatus including a packet transmitter (12), wherein said packet transmitter transmits to said receiving communication apparatus a plurality of packets (column 2, lines 62-

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63) in a consecutive manner, and wherein said packet lost reporting part reports to said transmitting communication apparatus, when packets of the plurality of packets transmitted to the receiving communication apparatus are consecutively lost, the number of the consecutively lost packets (column 4, lines 5-20).

As concerns claims 14 and 22, wherein the transmitting communication apparatus further includes a packet retransmitter, and wherein said packet retransmitter retransmits (column 2, line 50) to the receiving communication apparatus the consecutively lost packets in a consecutive manner (column 4, line 18).

As concerns claim 16, wherein the transmitting communication apparatus further includes a packet retransmitter, and wherein said packet retransmitter retransmits (column 2, line 50) to the receiving communication apparatus the consecutively lost packets in a consecutive manner based on the report (column 4, lines 5-20) of the number of the consecutively lost packets.

As concerns claim 19 and 29, wherein the transmitting communication apparatus further includes a packet retransmitter (column 2, line 50), and wherein said packet retransmitter retransmits (column 2, line 50) to the receiving communication apparatus the consecutively lost packets in a consecutive manner based on the order information (column 4, line 2) and the number of the consecutively lost packets (column 4, lines 5-20).

As concerns claim 25, a communication apparatus for receiving packets transmitted from a transmitting communication apparatus and reporting information to the transmitting communication apparatus, said communication apparatus comprising: a packet lost reporting part (column 4, lines 5-20) that reports to the transmitting communication apparatus, when packets

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transmitted from the transmitting communication apparatus are consecutively lost, the number (column 4, lines 5-20) of the consecutively lost packets.

As concerns claim 27, further comprising: a free area reporting part that reports to the transmitting communication apparatus a free area in a receiving buffer (column 3, lines 55-65).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 12, 21, 24, 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,754,754 to Dudley et al. as applied above in view of U.S. Pat. App. Pub. 2001/0017844 A1 to Mangin.

Dudley et al. '754 disclose window control (figure 6).

Dudley et al. '754 do not explicitly disclose the TCP protocol.

Mangin '844 teaches TCP protocol (abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the network of Dudley et al. '754 with the TCP protocol, as taught by Mangin '844, in order to provide a protocol that it reliable and widely used, particularly for Internet networks, thus making it easily accessible and compatible due to its wide usage (0002-0003).

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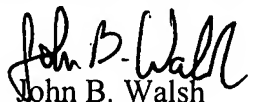
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


John B. Walsh
Primary Examiner
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